

**TESTIMONY OF THE MAINE ASSOCIATION OF PLANNERS
TO THE JOINT STANDING
COMMITTEE ON ENVIRONMENT AND NATURAL RESOURCES**

**WRITTEN TESTIMONY PROVIDED AGAINST LD 390
“An Act Regarding the Mapping of Shoreland Zones”**

DATE OF HEARING: Wednesday, March 3, 2021

**Honorable Senator Stacy Brenner, Honorable Representative Ralph Tucker,
Distinguished Members of the Committee on Environment and Natural Resources:**

My name is Jared Woolston, and I am a Town Planner and former staff in the licensing, and field services and enforcement units in the land resources division of the Maine Department of Environmental Protection. I am providing testimony on behalf of the Maine Association of Planners Legislative Policy Committee to testify against LD 390. The Maine Association of Planners, or MAP, is an organization of over 100 members, including professional public, private, and nonprofit planners, citizen volunteers serving on local boards, and Mainers from other professions like attorneys, landscape architects, professors, and developers. Though our membership works in diverse settings, we are all dedicated to enhancing the practice of planning in Maine.

The Maine Association of Planners (MAP) does not support LD 390. The bill is unworkable as written and we strongly recommend an alternate approach. This bill dictates sources of information for official shoreland zoning maps without a provision for field verification including the National Wetland Inventory (NWI) which is inaccurate at the site level; arbitrarily exempts parcels from Resource Protection; and unnecessarily rewords an existing statutory exemption for culvert replacement.



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MAP presumes the bill is intended to provide relief from the rigorous public review process for adopting official shoreland zoning maps, potential liability from adopting zoning maps with errors, and create a predictable shoreland zoning review process for citizens and staff.¹

Land use programs at the DEP are desperately understaffed. The DEP has three shoreland zoning staff responsible for over 400 municipalities in Maine. Their counterparts in field services and enforcement average an assigned range of 50 towns per person and shoreland zoning is a lower priority than other land resource regulations. The DEP does not have the capacity to assist municipalities with GIS data for local zoning. Local staff cannot be expected to go through a formal zoning amendment process when part of a map contains a small error or dynamic natural conditions have changed jurisdictional boundaries. MAP suggest the following strategies will satisfactorily address these challenges:

1. Provide municipalities more flexibility to enforce minimum shoreland zoning standards by enabling local staff to perform field determinations to verify the adopted descriptions of the shoreland zone (i.e., verify the zoning ordinance text is accurately mapped). MAP suggests enabling field determinations will increase compliance by reducing the cost of compliance.
2. MAP advises adopting enabling language to allow field determinations within 100 feet of the mapped shoreland zone in lieu of a formal zoning map amendment.
3. Provide the Maine Department of Environmental Protection (DEP) with staff resources to assist in the creation and adoption of innovative shoreland zoning ordinances to meet minimum state standards, provide more field and in-house review support, and GIS support for local shoreland zoning maps.

MAP would be happy to answer any questions you may have about our testimony and would be pleased to work with the committee and the DEP as it considers LD 390.

¹ Title 30-A MRS §4352(9) (which is referenced in 38 MRS § 438(1-B).A)

